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Promotion and protection of human rights: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General*

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of the human rights treaty bodies on their eighteenth meeting, held at Geneva on 22 and 23 June 2006, pursuant to General Assembly resolution 57/202 of 18 December 2002.

* The report was submitted after the deadline so as to include as much updated information as possible.

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Report of the chairperson of the human rights treaty bodies on their eighteenth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the General Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report of the eighteenth meeting of chairpersons of human rights treaty bodies, which was convened in Geneva from 22 to 23 June 2006, pursuant to General Assembly resolution 49/178. The chairpersons considered follow-up to the recommendations of the seventeenth meeting and reviewed developments relating to the work of the treaty bodies. They also considered a concept paper on a unified standing treaty body prepared by the Secretariat and accepted the revised draft harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents. They met with representatives of States parties and with the High Commissioner for Human Rights, and held the eighth joint meeting with the special rapporteurs, representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights. The chairpersons adopted recommendations, contained in section VII of this report. The report on the fifth inter-committee meeting of human rights treaty bodies (Geneva, 19-21 June 2006), which was considered by the chairpersons, is annexed to the present report.

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I. Introduction

1. The eighteenth meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the United Nations High Commissioner for Human Rights in Geneva on 22 and 23 June 2006. The meeting was immediately preceded by the fifth inter-committee meeting, held from 19 to 21 June 2006.

II. Organization of the meeting

2. The following chairpersons of human rights treaty bodies attended: Virginia Bonoan-Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights (CESCR); Christine Chanet, Chairperson of the Human Rights Committee (HRC); Jakob F. Doek, Chairperson of the Committee on the Rights of the Child (CRC); Ana Elizabeth Cubias Medina, Vice-Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); Andreas Mavrommatis, Chairperson of the Committee against Torture (CAT); Rosario Manalo, Chairperson of the Committee on the Elimination of Discrimination against Women (CEDAW); and Régis de Gouttes, Chairperson of the Committee on the Elimination of Racial Discrimination (CERD).

3. Ms. Chanet took the chair as Chairperson-Rapporteur and Ms. Bonoan-Dandan was affirmed as Vice-Chairperson. The chairpersons adopted the agenda on the basis of the provisional agenda and annotations (HRI/MC/2006/1)[1] and proposed programme of work.

III. Meeting with the United Nations High Commissioner for Human Rights

4. The High Commissioner welcomed the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 22 June 2006. She explained that her proposal for a unified standing treaty body had been put forward in the context of the Secretary-General's invitation to take a progressive view of reform of the United Nations in general, and human rights in particular. One of the results of that had been the creation of the Human Rights Council. She believed that her proposal should be considered, as the only reason for withdrawing it would be if it were found to be manifestly misdirected. She indicated that the timing of the process of discussion had been too ambitious, and that the meeting of States parties foreseen in her plan of action (A/59/2005/Add.3) would take place in the first half of 2007. She expected a range of views to be put forward and anticipated a robust but respectful debate. She was interested in the idea of unifying the petitions procedures of the committees, which could occur in parallel to the broad agenda, and raising the visibility and accessibility of those procedures. She viewed the universal periodic review

[1] The documents prepared for the eighteenth meeting of chairpersons of the human rights treaty bodies and the fifth inter-committee meeting can be consulted on the OHCHR website at www.ohchr.org/english/bodies/icm-mc/documents.htm.

mechanism of the Human Rights Council as a framework within which universal ratification would be encouraged.

5. The chairpersons noted that with the exception of CEDAW, no committee had expressed a definitive view on the High Commissioner's proposal for a unified standing treaty body. They described innovations undertaken to encourage reporting and implementation, and supported harmonized working methods. There was also broad support for the unification of petitions procedures, which would lead to harmonized case law. They welcomed the extension of the timetable for discussion and made clear that the specificity inherent in the current system must be retained in any reformed system.

IV. Eighth joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

6. On 22 June, the chairpersons met with the mandate holders of the special procedures of the Commission on Human Rights. The meeting was co-chaired by Vitit Muntarbhorn (Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights) and Ms. Chanet.

7. Mr. Muntarbhorn provided information on the establishment of a coordinating committee of the special procedures mandate holders to enhance communication and act as an interlocutor for issues of common interest. A manual was being developed, including on working methods. He also reflected on the possibilities that the universal periodic review could provide to the special procedures and the treaty bodies.

8. Ms. Chanet provided an overview of the efforts of the different treaty bodies to enhance the effectiveness of the treaty body system, streamline their working methods and harmonize reporting guidelines. With regard to the Human Rights Council and the universal periodic review, it would be important to focus on the complementarities of the treaty body system and the special procedures and avoid duplication.

9. The special procedures mandate holders noted that the reform process provided opportunities to renew the commitments relating to the promotion and protection of human rights, although challenges to human rights remained. One of the major shortcomings was weak follow-up to the recommendations of the treaty bodies and special procedures and lack of their implementation. The Human Rights Council could be key in enhancing follow-up and implementation.

10. The chairpersons underlined that reform of the treaty body system should aim at strengthening and reinforcing the existing framework for human rights protection. Existing norms and standards had to be preserved, as should the specific character of each treaty in order to guarantee a high level of specificity in the treaty body system.

11. Further opportunities for interaction and cooperation were required to ensure complementarity between the work and outputs of the treaty bodies and the special procedures. Some treaty bodies and special procedures had cooperated in relation to the reporting system, individual communications and general comments, but there

was still room for improvement. The treaty bodies would benefit from information gathered by special procedures during country visits. Interaction should be strengthened, including through the provision of financial resources to support the participation of special procedures mandate holders at sessions of treaty bodies, including in the context of the consideration of particular States parties' reports.

12. The chairpersons of the treaty bodies and the special procedures mandate holders were of the view that the universal periodic review could be the major area in which treaty bodies and the special procedures would interact with the Council. The recommendations of the special procedures and the concluding observations of treaty bodies should form part of the basis of the universal periodic review. Fact-finding, assessment and implementation were considered to be distinct functions. The treaty bodies and the special procedures had a particular role in fact finding and assessment, while the Council would have a particular role in implementation. A joint letter on possibilities of interaction between the treaty bodies and the Council would be transmitted to the President of the Council by the Chairperson of the meeting of chairpersons of the human rights treaty bodies and the Chairperson of the meeting of special procedures mandate holders. The High Commissioner was requested to act as a catalyst in the ongoing reform processes, and in ensuring that the universal periodic review included input from the treaty bodies and special procedures.

V. Informal consultations with States parties

13. The chairpersons held informal consultations with States parties on 22 June, in which approximately 60 States participated. States welcomed the opportunity to consult with the chairpersons and reiterated their support for the work of the treaty bodies. Several States commended the treaty bodies for their continued engagement in the process of reform and their readiness to test new approaches, adopt innovative working methods and explore areas for harmonization. However, States agreed that there was room for improvement and supported further harmonization and coordination of the working methods of the treaty bodies, including in the examination of reports and follow-up procedures, which would make the system more comprehensible and accessible.

14. Several States agreed that any reform should strengthen the treaty body system and not diminish the obligations of States. The specificities of each treaty should be preserved and their focus on specific rights and the rights of particular rights holders should not be diminished. States agreed on the importance of recognizing the achievements of the current system, which should be built upon in any reform endeavour.

15. Most States noted that the concept paper on the High Commissioner's proposal for a unified standing treaty body (HRI/MC/2006/2) provided information on the shortcomings of and challenges to the current system, such as duplication of work, backlog of reports and lack of coordination and visibility. A number of States showed interest in the proposal and requested the Secretariat to submit complementary papers on the legal and budgetary aspects of the proposal and the implications for the structure and membership of the existing bodies. Other States expressed concern at the proposal. They were not convinced that a unified standing treaty body would be the best solution and feared that it might even diminish the

specificities of each treaty. All States considered that some of the other suggestions in the concept paper could help strengthen the treaty monitoring system, including the proposal put forward by CEDAW at its thirty-fifth session. These should all be developed and discussed.

16. A number of States considered that some of the suggestions in the concept paper, such as those concerning harmonization of working methods and membership, could be implemented in the current system, and supported ideas such as convening sessions of different treaty bodies at the same time and issuing joint general comments. All States agreed that the proposal for a unified standing treaty body warranted careful and serious consideration. All aspects should be considered and analysed carefully. States called for an inclusive process of consultation that would take account of the views of treaty body members. Alternative proposals to a unified standing treaty body should be put forward and studied carefully.

17. Several States expressed reservations at the time frame envisaged for the intergovernmental meeting of States parties foreseen in the High Commissioner's plan of action, as it coincided with negotiations on modalities for the Human Rights Council. The Secretariat recalled that the High Commissioner had said that the intergovernmental meeting originally envisaged for 2006 would take place in 2007. States were interested in the reactions of the chairpersons to reform proposals, including that for a unified standing treaty body. The chairpersons highlighted the main points of the general discussion at the fifth inter-committee meeting on this issue (see section III of the annex), including the two proposals put forward by CRC and CERD for a "management team of chairpersons" and a unified individual complaints mechanism, respectively.

18. States generally supported efforts undertaken by the treaty bodies to streamline their various reporting requirements, including the acceptance by participants at the fifth inter-committee meeting of the revised harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1). Many States considered the harmonized reporting guidelines to be an excellent contribution to reinforcing the monitoring mechanisms, and all States agreed that any changes in the reporting requirements should not increase the burden on States. Some would have liked more far-reaching guidelines, while others appreciated the greater flexibility reflected in the guidelines. A group of States sought clarification on how the guidelines would contribute to the overall goal of reducing the reporting burden and encourage non-reporting States to report. They suggested that the idea of targeted treaty-specific reports should be developed, and discussions should address how the treaty specific reports would differ from current periodic reports. Some States suggested that the treaty-specific reports could be based on lists of issues and questions or concluding observations.

19. Some States suggested that the expertise of the treaty body members could be of use in elaborating the modalities of the universal periodic review mechanism. Several States shared the view that the universal periodic review and treaty body procedures should be distinct but complementary mechanisms. A group of States underlined their commitment to ensuring that the universal periodic review could draw on the findings and recommendations of the treaty bodies and the special procedures. In drawing on the work of the treaty bodies, care should be taken not to duplicate or undermine that work.

VI. Panel presentation at the first session of the Human Rights Council

70. Ms. Chanet, Mr. Muntarbhorn of the Coordination Committee of Special Procedures, and Ibrahima Salama, Vice-Chairperson of the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights, participated in a panel discussion and exchange of views with the Human Rights Council on 23 June.

71. Ms. Chanet indicated that the Human Rights Council and the treaty body system had complementary roles in the protection of human rights but should not duplicate each other's work. As the independent expert bodies overseeing implementation by States of their obligations under human rights treaties, the treaty bodies had information and experience vital to the functions of the Council as outlined in paragraph 5 of General Assembly resolution 60/251. Ms. Chanet referred to the recommendation of the fifth inter-committee meeting that concluding observations of treaty bodies should form part of the basis of the universal periodic review (see annex). The treaty bodies were working to harmonize their working methods and they would implement the revised draft harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents. She referred to the treaty body reform process, which she considered should be as open and constructive as possible and should include proposals complementary and alternative to that calling for a unified standing treaty body. The treaty bodies shared the objectives of the High Commissioner: securing comprehensive and holistic implementation by States parties of the substantive legal obligations contained in the treaties that they had assumed voluntarily, and strengthening the level of protection provided to rights holders at the national level.

VII. Decisions and recommendations

Adoption of the points of agreement of the inter-committee meeting

22. The eighteenth meeting of chairpersons endorsed the points of agreement transmitted by the fifth inter-committee meeting (annex, sect. IX). The meeting called on the human rights treaty bodies to follow up on those recommendations and to report on their implementation at the sixth inter-committee meeting in 2007.

Relationship with special procedures mandate holders

23. The eighteenth meeting of chairpersons recommended that all treaty bodies consider developing procedures and guidelines for enhanced interaction, where appropriate, with the special procedures mandate holders in order to strengthen a coordinated and coherent approach to their work.

24. The eighteenth meeting of chairpersons recommended that the Secretariat seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings, but also with respect to

strengthening mandate-specific and direct interaction during sessions of the treaty bodies.

The Human Rights Council

25. The eighteenth meeting of chairpersons recommended that its Chairperson and the Chairperson of the meeting of the special procedures mandate holders send a joint letter to the President of the Human Rights Council expressing the opinion that the recommendations of the special procedures and the concluding observations of the treaty bodies should form part of the basis of the universal periodic review.

26. In light of the interactive dialogue at the first session of the Human Rights Council, the eighteenth meeting of chairpersons recommended that the treaty bodies consider institutionalizing their relationship with the Council and consider and propose modalities for such a relationship. It requested the Secretariat to provide to the treaty bodies information on an ongoing basis on the work undertaken by the Human Rights Council.

Annex

Report of the fifth inter-committee meeting of human rights treaty bodies

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I. Introduction

1. The fifth inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva from 19 to 21 June 2006, pursuant to the recommendation of the fifteenth meeting of chairpersons of human rights treaty bodies, which called for the meeting to be convened annually (see A/58/350, paragraph 50).

2. The following members of human rights treaty bodies attended: Human Rights Committee (HRC): Rafael Rivas Posada, Michael O'Flaherty; Committee on Economic, Social and Cultural Rights (CESCR): Virginia Bonoan-Dandan (Chairperson), Maria Virginia Bras Gomes, Ibe Riedel; Committee on the Rights of the Child (CRC): Jakob E. Doek (Chairperson), Kamel Filali, Moushira Khattab; Committee on the Elimination of Discrimination against Women (CEDAW): Rosario Manalo (Chairperson), Silvia Pimentel; Committee on the Elimination of Racial Discrimination (CERD): Régis de Gouttes (Chairperson), Linos Alexander Sicilianos, Mario Jorge Yutzis; Committee against Torture (CAT): Andreas Mavrommatis (Chairperson), Saadia Belmir, Nora Sveaass; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW): Ana Elizabeth Cubias Medina (Vice-Chairperson), Ahmed Hassan El-Borai, Mehmet Sevim.

II. Opening of the meeting, election of officers and adoption of the agenda

3. The meeting was opened by Jane Connors, Senior Human Rights Officer, who welcomed all members at what was one of the most interesting periods in human rights since the adoption of the Universal Declaration of Human Rights in 1948.

4. Ms. Connors introduced the report on implementation of the recommendations adopted at the fourth inter-committee meeting and seventeenth meeting of chairpersons (HRI/MC/2006/6), which included information on activities of the treaty bodies, OHCHR and the Division for the Advancement of Women of the Secretariat. The treaty bodies had continued to develop innovative working methods, in many instances drawing on each other's experiences. She highlighted a number of developments, including the preparation of lists of issues and questions, the follow-up procedures of several of the treaty bodies, several of which involved the introduction of formal monitoring procedures, and the establishment of methodologies to encourage the specialized agencies and other United Nations bodies to work with the treaty body system. She also highlighted the work initiated by OHCHR to identify and analyse the suitability of commonly used indicators in assessing the compliance of States parties with international human rights treaties, including through a survey of the use of indicators. She also referred to the convening of a number of workshops on implementation, reporting and follow-up to concluding observations/comments that had taken place in the context of technical assistance projects.

5. Mr. Rivas Posada was elected Chairperson-Rapporteur and Ms. Bonoan-Dandan elected Vice-Chairperson. The participants adopted the agenda on the basis of the provisional agenda and annotations (HRI/ICM/2006/1) and its programme of

work and welcomed the preparatory work done by the Secretariat, including the reports and background documents provided to the meeting.

III. Strengthening the human rights treaty body system: harmonization of working methods and follow-up to the recommendations of the fourth inter-committee meeting and seventeenth meeting of chairpersons

6. Since the fourth inter-committee meeting, CEDAW had discussed, inter alia, the proposal for standardization of terminology which had been circulated to all committees at the request of that meeting. The Committee preferred the terms "concluding observations", "general recommendations" and "suggestions", but noted that it was flexible. The Committee had endorsed the harmonized reporting guidelines, prepared by the inter-committee technical working group chaired by Hanna Beate Schöpp-Schilling, one of its members, at its thirty-fifth session in May 2006, although the Committee had suggestions for further improvements. The Committee intended to begin revision of its own guidelines so that they were in line with the guidelines for the common core document. The Committee had created a system of focal points for the United Nations specialized agencies and would review the operation of this practice at its upcoming session. It had recently adopted guidelines for reports of specialized agencies. CEDAW wished to enhance its cooperation with national human rights institutions (NHRIs) and was adopting modalities for such cooperation. The concluding comments of CEDAW included a paragraph encouraging States parties to ratify those conventions that the State party had not yet ratified. The Committee was working on a general recommendation on the rights of migrant women, which it had circulated to all treaty bodies for comment. CEDAW had sent letters to the United Nations Secretary-General and the High Commissioner requesting that no decision be taken on the possible transfer of CEDAW to Geneva at present. CEDAW had met with the Special Rapporteur on adequate housing and would meet with the Special Rapporteur on violence against women at its thirty-eighth session in May 2007. It was also considering the proposal for the establishment by the Commission on the Status of Women of a special rapporteur on discriminatory laws. CEDAW would hold three annual sessions in 2006 and 2007 and had established a two-chamber system, and had briefed States parties on the modalities for the implementation of the system. CEDAW was also considering enhancing the role and function of the country rapporteur.

7. Members of CESCR informed the meeting that the Committee had encouraged coordinated reporting using a common core document in respect of Angola and the United Nations Interim Administration Mission in Kosovo (UNMIK). The Committee had not yet discussed the proposal for standardization of terminology. Some non-governmental organizations (NGOs) had put forward innovative proposals relating to their participation in the work of treaty bodies at the last session of CESCR. Members of CESCR welcomed the suggested meeting with the United Nations specialized agencies to discuss their interaction, and looked forward to a round table of treaty body experts and representatives of NHRIs, in accordance with last year's recommendation. Members reported that the first regional follow-up workshop on implementation of concluding observations of CESCR was scheduled to take place in Moscow at the end of 2006.

8. HRC members had not had the opportunity to review the latest draft of the harmonized reporting guidelines which would be before the Committee at its next session in July 2006. The Committee had discussed the proposal for standardization of terminology and suggested the two fundamental terms, "concluding observations" and "general comments",* noting that these were the predominant terms used in external discourse. Translation of the terms should be consistent. HRC had also appointed a focal point for engagement with all parts of the United Nations system, and the Committee cooperated with NHRIs whenever possible. The Committee tended not to call for ratification of other human rights instruments in its concluding observations.

9. CAT had not discussed the proposal for standardization of terminology but supported standardization. The Committee recognized the essential role of NGOs in the treaty body system and had extensive interaction with NGOs, including at its sessions. CAT had cooperated with NHRIs for the previous two years and NHRIs were sometimes present during its sessions. NHRIs had to comply with the Paris Principles to be able to participate. CAT promoted ratification of other international human rights treaties in its constructive dialogue with States parties, but in its conclusions and recommendations the Committee usually confined its references to the Optional Protocol to the Convention against Torture.

10. Members of CERD said that the Committee had discussed the harmonized guidelines on reporting in depth and that it would discuss the proposal for standardization of terminology at its next session in August 2006. The Committee interacted with NGOs, and this interaction was expanding from session to session. CERD invited NHRIs to intervene during the plenary in the context of consideration of reports. In its lists of issues and concluding observations CERD systematically encouraged States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee also referred to other relevant instruments, such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

11. CRC had appointed a member to consider proposals for standardization of terminology. The Committee had extensive interaction with both NGOs and NHRIs, such as the ombudspersons commissioners for the rights of the child and emphasized the importance of these institutions being independent. The Committee was examining the possibilities of appointing focal points for United Nations specialized agencies and how best to liaise with them in practice. The Committee's policy was that States parties should ratify all core human rights instruments, and it made reference to other human rights treaties where applicable. The Committee had not established follow-up procedures owing to its current workload, resulting from the almost universal ratification of the Convention on the Rights of the Child and the wide acceptance of its Optional Protocols. However, workshops on implementation of concluding observations of CRC held in Damascus, Bangkok, Qatar and Buenos Aires in the past year and upcoming workshops in Costa Rica, the Republic of Korea and Burkina Faso provided a framework for follow-up.

* The Human Rights Committee has supported the following proposals:
- Concluding observations/observations finales/observaciones finales
- General comment/commentaire général/comentario general
- Recommendation/recommandation/recomendación
- Decision/décision/decisión
- Statement/déclaration/declaración

Engagement with national human rights institutions

12. Participants underscored the important role played by NHRIs in the work of the treaty bodies and welcomed the fact that most treaty bodies gave them opportunities to provide information in informal meetings or during the sessions. They emphasized the importance of the independence of these institutions and encouraged compliance with the Paris Principles. Participants also encouraged the development and implementation of capacity-building for NHRIs and urged treaty bodies to allocate time slots for the institutions at their respective sessions. They encouraged the institutions to submit information separate from that submitted by NGOs.

Standardization of terminology

13. With the exception of HRC and CEDAW, the committees had not discussed the proposal for standardization of terminology contained in the annex to document HRI/MC/2005/2. It was recommended that the Secretariat revise the proposal and submit it to each committee for consideration with a view to its approval by the nineteenth meeting of chairpersons in 2007.

Reservations

14. Mr. El-Borai introduced the report and recommendations of the working group on reservations (HRI/MC/2006/5) established pursuant to a recommendation of the fourth inter committee meeting and seventeenth meeting of chairpersons. The working group, which met in Geneva on 8 and 9 June 2006, consisted of a member of five of the treaty bodies. It considered an updated version of the report on reservations prepared by the Secretariat (HRI/MC/2005/5 and Add.1) and met with Georges Korontzis from the Secretariat of the International Law Commission who provided information on the work of the International Law Commission on reservations.

15. Participants noted the report of the working group with appreciation and described the approach to reservations taken by their committees. They recommended that the working group reconvene and present a fuller report to the sixth inter-committee meeting in 2007.

Treaty body reform, including the concept paper on a unified standing treaty body

16. Participants discussed treaty body reform in general and the High Commissioner's proposal for a unified standing treaty body elaborated in the concept paper of the Secretariat (HRI/MC/2006/2). Several participants expressed appreciation for the High Commissioner's leadership in putting forward her proposal and recognized her desire to strengthen the treaty body system. Many participants expressed concern about the proposal while others expressed their appreciation. All agreed that any reform should strengthen the treaty body system and not diminish the obligations of States. They also agreed that the specificities of each treaty must be preserved and that their focus on specific rights, such as

freedom from torture and racial discrimination, and the rights of particular rights holders, such as children, women and migrant workers, should not be diminished. It was important to recognize the achievements of the current system, which any reform endeavour should build upon. Several participants noted that the concept paper provided information on the problems confronting the current system, which they all recognized, but that there was limited information on issues such as the legal implications of the High Commissioner's proposal, how the expertise of the members in the current system could be retained in a unified standing treaty body and how the current system's attention to specificity could be sustained and strengthened.

17. It was noted that, with the exception of CEDAW, the treaty bodies had not discussed the concept paper, although they had discussed the High Commissioner's proposal as described in her plan of action, and, in most cases, had had the opportunity to exchange views with her on those ideas. Although the High Commissioner's proposal was an approach that could be considered, it might not necessarily address the problems that confronted the system and could result in a weaker system. Some participants considered that some of the suggestions in the concept paper, such as those concerning harmonization of working methods and membership, could be implemented in the current system and that ideas such as convening sessions of the treaty body at the same time, encouraging coordination and interaction, including providing opportunities for members to observe or participate in sessions of treaty bodies other than their own, could also be implemented. They also supported the idea of convening joint thematic working groups and the harmonization of agendas, priorities and objectives, and recommended that consideration be given to the establishment of formal structured coordinating mechanisms to create a unified approach to the reporting and communications functions of treaty bodies.

18. Participants agreed that extensive consultations with all relevant stakeholders should continue, including with treaty bodies themselves, during which other options for reform could emerge. They also requested the Secretariat to provided further documents relevant to the High Commissioner's proposal, including on the legal and financial implications and on membership. They requested the Secretariat to compile the views of the treaty bodies, United Nations specialized agencies, States parties, civil society and other relevant stakeholders on the proposal elaborated in the concept paper in a document which should be made available before the brainstorming meeting on treaty body reform which was to be held in Liechtenstein from 14 to 16 July 2006.

19. Participants discussed the relationship between the Human Rights Council and the treaty body system and noted that the two should complement, not duplicate each other. They recommended that the concluding observations should form part of the basis of the universal periodic review.

IV. Strengthening the human rights treaty body system: streamlining of reporting requirements

20. Pursuant to recommendations of the fourth inter-committee meeting and the seventeenth meeting of chairpersons an inter-committee technical working group, consisting of representatives of each of the treaty bodies, met on 8 and 9 December

2005 and from 15 to 17 February 2006 to finalize draft guidelines on the common core document and treaty specific documents for reporting under international human rights treaties.

21. Mr. Filali, the rapporteur appointed by the third inter-committee meeting on the draft harmonized reporting guidelines, introduced the draft guidelines (HRI/MC/2006/3 and Corr.1), noting the efforts of the group to reach consensus in light of the diverse views put forward by each committee. Emphasis was placed on identifying cross-cutting principles in the treaties for inclusion in the common core document, especially non-discrimination and equality.

22. Some participants indicated that they remained concerned regarding the extent to which congruent provisions could, and should, be included in the common core document. Others indicated that the guidelines might have called for the inclusion of more substantive information. Some noted that the guidelines provided an opportunity for flexibility in implementation. Participants agreed that various aspects of the harmonized guidelines required further consideration and revision in accordance with the specific requirements of each treaty body, including with regard to non-discrimination and effective remedies. It was agreed that further refinement of the guidelines would result from their practical implementation which several committees had stressed should occur at the earliest possible date.

23. The participants welcomed the fact that the guidelines would strengthen the process of elaborating reports by States parties, but stressed that implementation should not result in incomplete reporting or a loss of the specificities of the treaties. Several recalled that a number of States parties had begun to report under the guidelines, including Afghanistan, Angola and Timor-Leste. Participants reaffirmed that States parties wishing to use the guidelines should be encouraged to do so, in consultation with OHCHR and the Division for the Advancement of Women, particularly as the guidelines had been drafted in response to difficulties experienced by States parties and would enable them to streamline their reporting processes. Participants stressed that workshops should be convened to familiarize States parties with the coordinated reporting methodology.

24. Participants also suggested that States parties should adopt a coordinated approach to reporting where possible, and that they should be encouraged to establish appropriate coordinating structures to support their reporting under all of the treaties to which they were party, although such structures should not create an additional bureaucratic burden on States.

25. The participants accepted the revised harmonized guidelines and recommended that the committees begin to apply them immediately, in a flexible manner, review their existing reporting guidelines for initial and periodic reports, and compile indications of any difficulties experienced in the implementation of the guidelines. They also recommended that the experiences of each committee implementing the guidelines be reviewed at the seventh inter committee meeting in 2008 and that consideration be given to the establishment of an inter committee mechanism to keep the guidelines under review.

V. Dialogue with United Nations specialized agencies, funds and programmes and other United Nations entities

26. The inter-committee meeting met with representatives of the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Office of the Special Adviser to the Secretary-General on Gender Issues and the Food and Agriculture Organization of the United Nations (FAO). Representatives of those bodies appreciated the opportunity to interact with members of the treaty bodies and discuss treaty body reform, including the High Commissioner's proposal for the establishment of a unified standing treaty body, as well as how to enhance and strengthen cooperation among the specialized agencies, funds and programmes and the treaty bodies, in particular with regard to ways to support the implementation of concluding observations at the national level.

27. They agreed that the challenges facing the treaty body system needed to be addressed. Concern was expressed, in particular by UNICEF, that the rights of specific rights holders might be overlooked in a unified standing treaty body and that the specificity of the current system resulting from monitoring by seven treaty bodies might be lost. ILO considered that the idea of a unified treaty body was interesting, but raised questions; it was ready to share its experience of acting as a single secretariat to one mechanism that considered hundreds of reports every year. WHO was also open to the High Commissioner's proposal, but pointed out that the fact that different treaty bodies comprehensively considered similar issues from different perspectives was useful in its work. UNHCR also considered that the High Commissioner's proposal should be explored, along with other options for reform, and expressed the view that CEDAW should be supported by OHCHR to strengthen harmonization of the treaty body system.

28. Treaty body members appreciated representatives' ideas aimed at strengthening the system, and called for more input into the development of working methods and the reform process. The current practice of having a rapporteur (HRC) or focal points (CESCR) for cooperation with United Nations entities had been found to be positive and was recommended to all treaty bodies. CESCR had also had good experiences with respect to specialized agency input to the development of general comments. Written contributions from the specialized agencies were welcomed, but the opportunity to discuss different issues with the agencies was regarded as even more valuable. Human and financial resource constraints hampered cooperation and it was recommended that United Nations entities consider strengthening their capacities in order to increase their interaction with the treaty bodies.

VI. Dialogue with non-governmental organizations

29. Representatives of the following NGOs were present during the dialogue: Amnesty International, ARC International, Association for the Prevention of Torture, FIAN — Foodfirst Information and Action Network, Friends World Committee for Consultation (Quakers United Nations Office), Human Rights Watch,

International Catholic Migration Committee, International Commission of Jurists, International Federation of Human Rights Leagues, International Service for Human Rights, International Women's Rights Action Watch, International Women's Rights Action Watch (Asia Pacific), Lutheran World Federation, Minnesota Advocates for Human Rights, NGO Group for the Convention on the Rights of the Child and World Organization against Torture.

30. Statements and comments made addressed the coordinated approach to the work of the treaty bodies, the concept paper on the High Commissioner's proposal and the interaction between the treaty bodies and the Human Rights Council. It was agreed that reforms were required, as was strengthening of the treaty body system. Concern was raised that in the process of reform, in particular the proposal for a unified standing treaty body, emphasis on the rights and needs of specific individuals and groups could be lost.

31. Several proposals were put forward to enhance cooperation and coordination among the treaty bodies. These included the establishment of additional technical working groups of treaty bodies, and the creation of a bureau of chairpersons of the treaty bodies to act as a coordinating mechanism and of an inter-committee coordination mechanism to work closely with OHCHR. It was suggested that the inter-committee meeting should discuss approaches to the overarching provisions in different treaties. Doubt was expressed that a unified standing treaty body would address the challenges to the system. More time to reflect on the proposal was requested and the need to explore other options highlighted. With respect to the relationship between the treaty bodies and the Human Rights Council, treaty bodies were encouraged to take a more active role in identifying and suggesting possible areas for cooperation, bearing in mind that the universal periodic review process was not the only opportunity for cooperation.

32. Participants noted that the contributions made by NGOs to their work were crucial for the effective functioning of the treaty body system. All treaty bodies had procedures allowing for consultation with NGOs in the reporting process. Coordination among NGOs in the provision of information was necessary as treaty bodies often received many submissions from different NGOs. NGOs could be more active in disseminating concluding observations at the national level.

VII. Dialogue with the representative of the international coordinating committee of national human rights institutions

33. Frauke Seidensticker of the International Coordinating Committee of National Human Rights Institutions described national human rights institutions (NHRIs) as the bridge between the national and international protection mechanisms. She was grateful that several treaty bodies had procedures that allowed them to hear the views of NHRIs in the reporting process. The knowledge of and information from NHRIs could also be used with respect to days of general discussion, individual complaints, fact-finding missions, and early warning.

34. Participants acknowledged that interaction with and cooperation between the treaty bodies and NHRIs could be improved. NHRIs worked in different environments and had different mandates, and that should shape their interaction

with treaty bodies. NHRIs should also have the opportunity to address the treaty bodies separately from the State party's delegation and NGOs.

VIII. Discussion on statistical information

35. The inter-committee meeting discussed statistical information on the basis of a report on indicators for monitoring the implementation of human rights instruments (HRI/MC/2006/7) introduced by Rajeev Malhotra on behalf of OHCHR. Martin Scheinin, an expert who had participated in the preparation of the report, made further comments. Mr. Malhotra noted that the report addressed conceptual and methodological issues relating to identifying and using indicators for monitoring compliance by States parties with international human rights treaties; these could help in assessing the steps taken by the State party to comply with its obligations.

36. Participants welcomed the progress made in developing the indicators, which could allow for thorough assessment of implementation. Several expressed concern that the matrix of indicators was complex and technical and stated that there was a risk that the indicators could be interpreted in different ways by different authorities in different countries, and that States, in particular developing countries, might lack the capacity to use the matrix. It was recognized that the work done so far, though valuable, would need further elaboration, clarification and development, including validation and piloting. The importance of technical cooperation and capacity-building in this area was also emphasized.

37. Participants requested the Secretariat to undertake the necessary validation of the approach taken in the report, including through its piloting by relevant committees, keeping in mind the specific requirements of the treaty bodies. They requested the Secretariat to submit a report on those activities to the seventh inter-committee meeting in 2008 and to provide information on indicators, including expert advice, to each treaty body during 2006 and 2007.

IX. Points of agreement of the fifth inter-committee meeting to be transmitted to the eighteenth meeting of chairpersons

The inter-committee meeting

38. The fifth inter-committee meeting reiterated the view expressed by many, including States parties, that the inter-committee meeting provided a useful forum for discussing matters of mutual concern and strengthening coordination among the treaty bodies, and recommended that the General Assembly consider the possibility of convening such meetings on an annual basis.

Consultation on proposals for reform of the United Nations human rights framework

39. The fifth inter-committee meeting took note of the concept paper, including the High Commissioner's proposal for a unified standing treaty body (HRI/MC/2006/2). Many members of the inter-committee meeting expressed concern with respect to this proposal, but the inter-committee meeting

acknowledged that the paper contained very useful measures that could be discussed by the treaty bodies. The inter-committee meeting requested the Secretariat to continue to organize, in appropriate forums, consultations among the treaty bodies, States parties, OHCHR, United Nations entities, NGOs, NHRIs and other stakeholders to discuss all proposals, including those put forward by CRC and CEDAW.

40. The fifth inter-committee meeting recommended that the Secretariat compile a report containing the views expressed by treaty bodies, States parties, United Nations entities, NGOs, NHRIs and other stakeholders and the outputs from earlier meetings and brainstorming events on the High Commissioner's proposal and to make it available before the brainstorming meeting on treaty body reform to be held in Liechtenstein in July 2006.

41. The fifth inter-committee meeting took note of a proposal by CERD, supported by several participants, to create a single body to consider individual communications under all human rights treaties. It recommended that the proposal be elaborated and presented for the consideration of the brainstorming meeting in Liechtenstein.

Harmonization of working methods

42. The fifth inter-committee meeting noted the various proposals for harmonizing the working methods of the treaty bodies, including those contained in paragraph 20 of the concept paper. It recommended that a working group be established as soon as possible, consisting of seven members, one designated by each committee, to discuss those ideas and other possibilities, including the proposals put forward by CERD, CRC and CEDAW and to report to the sixth inter committee meeting in 2007.

The relationship between the Human Rights Council and treaty bodies

43. The fifth inter-committee meeting took note of paragraph 5 of General Assembly resolution 60/251 creating the Human Rights Council. The inter-committee meeting was of the view that the concluding observations should form part of the basis of the universal periodic review.

Standardization of technical terminology

44. Noting the emerging agreement on the use of terms such as "concluding observations" and "general comments", the fifth inter-committee meeting recommended that the Secretariat revise its proposal on standardization of terminology as contained in the annex to document HRI/MC/2005/2 and submit it to each committee for consideration, with a view to the approval of standardized terminology by the nineteenth meeting of chairpersons in 2007.

Follow-up to concluding observations

45. The fifth inter-committee meeting recalled earlier recommendations that each committee should continue to consider adopting procedures to ensure effective follow-up to their concluding observations/comments, including the appointment of a rapporteur on follow-up. It further recommended that follow-up could be conducted in open meetings and follow-up seminars and that each committee should explore other follow-up measures.

Reservations

46. The fifth inter-committee meeting noted with appreciation the report of the working group on reservations (HRI/MC/2006/5) and the progress the working group had achieved. It supported the ongoing efforts of the working group and recommended that it reconvene and submit a fuller report on this issue to the sixth inter-committee meeting in 2007.

Revised harmonized reporting guidelines

47. The fifth inter-committee meeting accepted the revised harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1). It recommended that the committees apply these guidelines in a flexible manner, review as appropriate their existing reporting guidelines for initial and periodic reports and compile indications of any difficulties experienced in their implementation. It also recommended that the experiences of each committee in implementing the guidelines be reviewed at the seventh inter-committee meeting in 2008 and that consideration be given to the establishment of an inter-committee mechanism to keep the guidelines under review.

Liaison with specialized agencies and United Nations funds and programmes

48. The fifth inter-committee meeting reiterated the previous recommendation that all treaty bodies establish a mechanism of rapporteurs or focal points to enhance cooperation and facilitate more effective interaction on country-specific as well as thematic issues and follow-up with the United Nations specialized agencies, as had already been initiated by CESCR and HRC.

49. The inter-committee meeting recommended that the Secretariat organize a meeting with representatives of OHCHR, the Division for the Advancement of Women, United Nations specialized agencies, funds and programmes, and treaty body members to discuss modalities for enhanced cooperation and interaction with respect to treaty reporting and implementation processes.

50. The fifth inter-committee meeting acknowledged the important contribution of United Nations entities to the monitoring and other activities of the treaty bodies and recommended that those entities strengthen their cooperation with the treaty bodies by allocating necessary human and financial resources to that end.

NGO participation

51. The fifth inter-committee meeting reiterated previous recommendations that NGOs should send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account, and should continue to disseminate the conclusions of the treaty bodies and report on their implementation.

52. The fifth inter-committee meeting reiterated the recommendation of the fourth inter-committee meeting regarding the modalities of NGO participation in the monitoring activities of treaty bodies and recommended that the issue be put on the agenda of the sixth inter-committee meeting.

National human rights institutions

53. The fifth inter-committee meeting reiterated the recommendation of the fourth inter-committee meeting that engagement with NHRIs should continue, in a manner that reflected their necessary independence from Governments.

54. The fifth inter-committee meeting welcomed the intention of OHCHR to convene a round table of NHRIs and treaty body experts to discuss and develop further harmonized criteria for the participation of NHRIs in all treaty body sessions in order to enhance and strengthen interaction.

Statistical information related to human rights

55. The fifth inter-committee meeting highly appreciated the background paper outlining an approach for the use of statistical information in the work of the treaty bodies (HRI/MC/2006/7). It requested the Secretariat to undertake validation, including through piloting by the relevant committees, of the indicators and develop further lists of indicators, where appropriate in collaboration with United Nations entities. It called on the Secretariat to submit a report on those activities to the seventh inter-committee meeting in 2008 and to provide information, including expert advice, on the progress achieved to each of the treaty bodies during 2006 and 2007.